

To: Matthew Betenson[mbetenso@blm.gov]
Cc: Cynthia Staszak[cstaszak@blm.gov]; Crow, Claire[ccrow@blm.gov]
From: Beal, Jeffrey
Sent: 2017-02-27T18:01:22-05:00
Importance: Normal
Subject: Wingate letter for review
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Wingate Letter 02272017.docx

Matt: I have written this letter from a broad perspective to address the recent letters of concern and support. Given there were two letters of concern and one of support it is a difficult matter to address (b)(5) DPP



Please edit as you see fit. I have provided the information for the three people who sent comment letters.

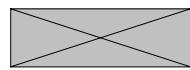
Eldon & Paula Swapp

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To whom it may concern:

Grand Staircase – Escalante National Monument has recently received letters expressing concerns, and support, over Wingate Wilderness Therapy Program, here after referred to as Wingate.

Wingate is a private corporation who holds a Special recreation Permit to operating a field based wilderness therapy program within Grand Staircase – Escalante National Monument. The area of operations occurs within the Nephi Pasture, Skutumpah Terrace down to the Kitchen Canyon region of the Monument. BLM issued this SRP in 2008 and the permit is up for renewal in 2018.

During the Christmas 2016 season Wingate experienced three runners from the program. Three young juvenile's left the program without permission, the Sheriff's department was contacted and an Everbridge alert was issued to residence in the locale area. Based on this as well as past incidences, our office has received letters of concern over Wingate's operation. Two of the main concerns identified were public safety and the protection of private lands.

Our office has reviewed the December 2016 incident; we have discussed the issue with Shayne Gallagher, Executive Director for Wingate and our Federal Law Enforcement officers involved with the incident. Our Law enforcement Rangers worked closely with Kane County Sheriff's department on this incident and did not document any issues with the general public or private property owners. Our office is aware of past incidences that have impacted private property owners and BLM is confident the private property owner and Wingate came to a resolution amongst themselves. In addition, BLM has receive second and third hand complaints about Wingate as suspected of impacting public or private lands, however BLM is receiving the complaints from a third party source. It is difficult for any government office to follow up on complaints without substantive information and documentation.

Our office realizes the government system and permitted operators are not perfect and yet we have an obligation to serve the public while providing economic opportunities. BLM's enabling legislation comes from the **Federal Lands Policy and Management Act (FLPMA)**. Section 102, sub-sections 7-9 of FLPMA states:

(7) goals and objectives be established by law as guidelines for public land use planning, and that management be on the basis of multiple use and sustained yield unless otherwise specified by law;

(8) the public lands be managed in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values; that, where appropriate, will preserve and protect certain public lands in their natural condition; that will provide food and habitat for fish and wildlife and domestic animals; and that will provide for outdoor recreation and human occupancy and use;

(9) the United States receive fair market value of the use of the public lands and their resources unless otherwise provided for by statute;

When the monument was established in 1996 it was set aside for its monument objects and scientific values. A small number of traditional public land uses were withdrawn, however many other traditional

uses such as Special Recreation Permits, realty actions, filming, grazing, recreation and hunting remain as allowable uses on the monument. Grand Staircase employs science in each discipline allowed on the monument. Our SRP operators and specifically Wingate are components of ongoing research on the monument. The monument does receive comments, complaints and voices of opposition on these types of uses, yet our office has an obligation to accept and review applications, and when appropriate allow for such uses if they are determined to not impact monument objects and values. In addition, BLM is mandated to allow the public to provide comments on proposed uses.

Section 103.(d) of FLMPA also states:

(d) The term “public involvement” means the opportunity for participation by affected citizens in rule making, decision making, and planning with respect to the public lands, including public meetings or hearings held at locations near the affected lands, or advisory mechanisms or such other procedures as may be necessary to provide public comment in a particular instance.

Public health and safety are components that BLM must take into account when issuing Special Recreation Permits. Our office has reviewed Wingate's permit for public health and safety matters and consulted with Kane County Sheriff's Department. Our findings have not brought forth a collective issue to warrant permit modification or revocation. This does not preclude our office from meeting with concerned public or facilitating meetings with the operator so the public can voice their concerns and bring forward design features that work for all parties.

Wingate's operation is an allowable use within the Grand Staircase – Escalante National Monument. To date, Wingate has complied with the laws and regulations that guide their use of public lands. Although SRP's are discretionary, BLM typically does not cancel a permit without cause once that permit has been issued. Wingate's permit is up for renewal in December 2018. BLM has started preliminary work on preparing for an environmental assessment to review their application which will lead to the parameters of operation outlined in their permit. BLM hopes you will participate in providing public comments that help define their permit.

In the interim, BLM would be happy to set up a meeting with you to discuss your concerns in detail. In addition, our office is happy to take those concerns forward to Wingate to identify solutions to help resolve public concerns. If you would like to meet my staff in person, please contact Jabe Beal, Outdoor Recreation Planner at (435) 826-5601 or jbeal@blm.gov.

Thank you for contacting our office. My office will work with you to address your concerns.

Sincerely,

Cynthia Staszak
Monument Manager

Cc: Shayne Gallagher, Wingate Wilderness Therapy